

**UNITED STATES DISTRICT COURT**

(Local Form 3/06 lrh)

**Northeastern Division—District of North Dakota**

**ORDER OF DETENTION PENDING DECISION ON PETITION**

**United States of America vs. Kyle Redfox Case No. 2:02-cr-89 and 2:99-cr-53**

Defendant is charged with violating certain conditions of his supervised release. The government moved for detention pending a decision on the allegations of the petition.

Federal Rule of Criminal Procedure 32.1(a)(6) provides that decisions on release pending a decision in revocation matters are governed by 18 U.S.C. § 3143(a). Defendant has the burden to establish proof by clear and convincing evidence that defendant will not flee or pose a danger to the community or any other person.

**FINDINGS**

**The petition alleges defendant violated conditions of supervised release.**

**The court makes the following findings of fact:**

Defendant does not contest the government's motion for detention pending decision on the petition. The petition alleges, and Mr. Redfox has admitted, absconding from a placement at Spirit Lake Recovery and Wellness. This Court finds there is no condition or combination of conditions which would reasonably assure his appearance at future proceedings.

**Defendant has not met the burden established by 18 U.S.C. § 3143(a).**

**DIRECTIONS REGARDING DETENTION**

Defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Dated this 30th day of May, 2007.

/s/ Alice R. Senechal

Alice R. Senechal  
U.S. Magistrate Judge